SENATE DOCKET, NO. 33 FILED ON: 1/6/2025

SENATE . . . . . No. 1034

The Commonwealth of Massachusetts

PRESENTED BY:

William N. Brownsberger

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to archaic laws.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
William N. Brownsberger	*Suffolk and Middlesex*	
Joanne M. Comerford	*Hampshire, Franklin and Worcester*	*2/5/2025*

SENATE DOCKET, NO. 33 FILED ON: 1/6/2025

SENATE . . . . . No. 1034

By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 1034) of William N. Brownsberger and Joanne M. Comerford for legislation to establish a commission to review and update archaic laws. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *2561* OF 2023-2024.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to archaic laws.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 3 of the General Laws is hereby amended by adding the following section:-

Section 76. (a) There shall be a permanent law revision commission consisting of: the chairs of the joint committee on the judiciary or their designees, who shall serve as co-chairs; the attorney general or a designee; 4 attorneys admitted to practice law in the commonwealth, 1 of whom shall be appointed by the senate president, 1 of whom shall be appointed by the speaker of the house of representatives, 1 of whom shall be appointed by the minority leader of the senate and 1 of whom shall be appointed by the minority leader of the house of representatives; 1 person appointed by the Massachusetts District Attorneys Association; 1 person appointed by the committee for public counsel services; and 3 persons appointed by the governor, 1 of whom shall

be a retired judge, 1 of whom shall be a faculty member of an accredited law school in the commonwealth and 1 of whom shall be a historian with expertise in the laws of the commonwealth.

(b) The counsel to the senate and the counsel to the house of representatives shall jointly provide personnel necessary to coordinate the activities of the commission and assist the commission in drafting legislative proposals, as requested.

(c) The appointed members of the commission shall serve staggered 4-year terms. Vacancies in the membership of the commission shall be filled by the original appointing authority for the balance of the unexpired term.

(d) The commission shall: (i) examine the common law, statutes of the commonwealth and judicial decisions for the purpose of identifying defects and anachronisms in the law and recommending needed reforms; (ii) receive and consider proposed changes in the law recommended by the American Law Institute, the National Conference of Commissioners on Uniform State Laws, any bar association and any other learned body; (iii) receive and consider suggestions as to defects and anachronisms in the law from judges, justices, public officials, lawyers and the public; (iv) recommend changes in the law to modify or eliminate antiquated and inequitable rules of law and to bring the law into harmony with modern conditions; (v) recommend the express repeal of statutes repealed by implication or held unconstitutional by a state or federal court; (vi) evaluate and make recommendations on the consolidation of session laws into the General Laws; and (vii) make recommendations to improve the openness and accessibility of state laws, including the use of open-source software tools.

(e) The commission shall meet not less than 4 times annually. At the close of each regular session of the general court, the commission shall submit a report of its findings and recommendations, including drafts of any proposed legislation, to the clerks of the senate and the house of representatives, the house and senate committees on ways and means and the joint committee on the judiciary.

SECTION 2. Section 37 of chapter 22C of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 8 and 9, the words "sixteen, seventeen, thirty-four or thirty-five of chapter two hundred and seventy-two" and inserting in place thereof the following words:- 16, 17 or 35 of chapter 272.

SECTION 3. Section 20B of chapter 127 of the General Laws, as so appearing, is hereby amended by striking out, in line 41, the words ", 34 or 35".

SECTION 4. Section 49 of said chapter 127, as so appearing, is hereby amended by striking out, in line 11, the words ", 34, or 35,".

SECTION 5. Section 49B of said chapter 127, as so appearing, is hereby amended by striking out, in lines 24 and 25, the words ", thirty-four, thirty-five".

SECTION 6. Section 49C of said chapter 127, as so appearing, is hereby amended by striking out, in lines 21 and 22, the words ", thirty-four, thirty-five,".

SECTION 7. Section 90A of said chapter 127, as so appearing, is hereby amended by striking out, in lines 14 and 15, the words "seventeen, thirty-four, thirty-five, or section thirty-five A of chapter two hundred and seventy-two" and inserting in place thereof the following words:- 17, 35 or 35A of chapter 272.

SECTION 8. Section 143 of said chapter 127 is hereby repealed.

SECTION 9. Section 4C of chapter 260 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 14 and 15, the word ", thirty-four".

SECTION 10. Section 34 of chapter 272 of the General Laws is hereby repealed.

SECTION 11. Said chapter 272 is hereby further amended by striking out section 35, as appearing in the 2022 Official Edition, and inserting in place thereof the following section:-

Section 35. Whoever commits a lewd and lascivious act with another person in public with the intent of public exposure or with reckless disregard of substantial risk of public exposure shall be punished by a fine of not more than $200, by imprisonment in a jail or house of correction for not more than 6 months or by both such fine and imprisonment.

SECTION 12. Section 36 of said chapter 272 is hereby repealed.

SECTION 13. Section 53 of said chapter 272, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 1 and 2, the words "Common night walkers, common street walkers, both male and female, persons" and inserting in place thereof the following word:- Persons.

SECTION 14. Section 62 of said chapter 272 is hereby repealed.

SECTION 15. Section 57 of chapter 276 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 123 and 124, the words "or section thirty-four or thirty-five of chapter two hundred and seventy-two,".

SECTION 16. Section 45 of chapter 277 of the General Laws is hereby repealed.

SECTION 17. Section 63 of said chapter 277, as appearing in the 2022 Official Edition, is hereby amended by striking out, in line 29, the figures “, 34, 35”.

SECTION 18. Section 79 of said chapter 277, as so appearing, is hereby amended by striking out, in line 218, the words “common nightwalker” and inserting in place thereof the following word:- “person”.

SECTION 19. Said section 79 of said chapter 277, as so appearing, is hereby further amended by striking out, in lines 427 to 429, inclusive, the words “Sodomy, etc. (Under Chap. 272, Sec. 34.)—That A.B. did commit the abominable and detestable crime against nature with a (state the person or beast).”.

SECTION 20. Said section 79 of said chapter 277, as so appearing, is hereby further amended by striking out, in lines 444 and 445, the words “Unnatural act. (Under Chap. 272, Sec. 35.)—That A.B. did commit an unnatural and lascivious act with one C.D.”.

SECTION 21. The initial terms of the first members of the law revision commission shall be staggered as follows: the attorney appointed by the speaker of the house of representatives, attorney appointed by the senate president, attorney appointed by the minority leader of the senate and attorney appointed by the minority leader of the house of representatives shall serve initial terms of 4 years; the persons appointed by the governor shall serve initial terms of 3 years; and the person appointed by the Massachusetts District Attorneys Association and person appointed by the committee for public counsel services shall serve initial terms of 2 years.